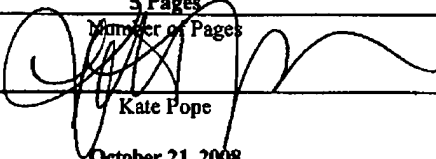


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<b>In re United States Patent Application of:</b>	)	<b>Docket No.:</b>	<b>4354-110</b>
<b>Applicants:</b>	)	<b>Conf. No.:</b>	<b>4322</b>
<b>Application No.:</b>	)		
<b>Date Filed:</b>	)		
<b>Title:</b>	)	<b>Customer No.:</b>	<b>23448</b>
<b>RIFALAZIL COMPOSITIONS AND THERAPEUTIC REGIMENS</b>	)		

**FACSIMILE TRANSMISSION CERTIFICATE****Fax No. (571) 273-8300**

I hereby certify that this document is being filed in the United States Patent and Trademark Office, via facsimile transmission, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and transmitted on the date specified below, to United States Patent and Trademark Office facsimile transmission number (571) 273-8300.

5 Pages  
Number of Pages  
  
Kate Pope  
October 21, 2008  
Date

**SUBMISSION OF POWER OF ATTORNEY AND STATEMENT UNDER  
37 CFR 3.73(b) FOR U.S. PATENT APPLICATION NO. 10/668,792**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Enclosed and submitted herewith is a Power of Attorney to Prosecute Applications before the USPTO (Form PTO/SB/80) appointing new attorneys, including those associated with PTO

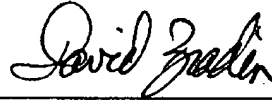
4354-110

Customer Number 23448. Also enclosed is a Statement under 37 CFR 3.73(b) (Form PTO/SB/96) for the above-identified U.S. patent application.

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OCT 21 2008

Respectfully submitted,



David Bradin  
Reg. No. 37,783  
Attorney for Applicants

INTELLECTUAL PROPERTY/  
TECHNOLOGY LAW  
Phone: (919) 419-9350  
Fax: (919) 419-9354  
Attorney File No.: 4354-110

**Enclosures:**

Power of Attorney to Prosecute Applications Before USPTO (Form PTO/SB/80) [1 pg.]  
Statement under 37 CFR 3.73(b) (Form PTO/SB/96) [1 pg.]  
Supplemental Sheet for Statement under 37 CFR 3.73(b) [1 pg.]

The USPTO is hereby authorized to charge any deficiency or credit any overpayment of fees properly payable for this document to Deposit Account No. 08-3284

PTO/SB/98 (09-04)

Approved for use through 7/31/2008. OMB 0651-0031

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Cabana, et al.Application No./Patent No.: 10/668,792Filed/Issued Date: September 23, 2003Entitled: RIFALAZIL COMPOSITIONS AND THERAPEUTIC REGIMENSActivBiotics Pharma, LLC, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame \_\_\_\_\_, or for which a copy thereof is attached.

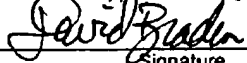
OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Cabana, Bernard E., et al. To: ActivBiotics, Inc.The document was recorded in the United States Patent and Trademark Office at Reel/Frame 015224/0832, or for which a copy thereof is attached.2. From: Sayada, Chalom B. To: ActivBiotics, Inc.The document was recorded in the United States Patent and Trademark Office at Reel/Frame 015330/0199, or for which a copy thereof is attached.3. From: Horizon Technology Funding Company To: ActivBiotics, Inc.The document was recorded in the United States Patent and Trademark Office at Reel/Frame 020835/0427, or for which a copy thereof is attached.☒ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

October 21, 2008

Date

David Bradin

Printed or Typed Name

(919) 419-9350

Telephone Number

Attorney for Applicants

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Supplemental Sheet for the Chain of Title for Section B of Statement Under 37 CFR 3.73(b)

4. From: ActivBiotics Inc. To: ActivBiotics Pharma LLC

The document was recorded in the United States Patent and Trademark Office at Reel 020866, Frame 0584, or for which a copy thereof is attached.

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Approved for use through 11/30/2005, OMB 0851-0035  
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# POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number: **23448**

AND

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent application assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please recognize or change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number: **23448**

OR

☐ Firm or Individual Name

Address

City

Country

State

Zip

Telephone

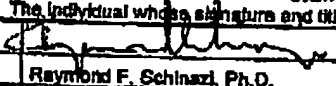
Email

Assignee Name and Address:  
ActivBiotech Pharma, LLC  
1660 Montreal Rd  
Tucker, GA 30084

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73 (b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

## SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	5/28/08
Name	Raymond F. Schinazi, Ph.D.	Telephone	404-601-1430
Title and Company	Chairman, ActivBiotech Pharma, LLC		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.51, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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